

CRAIG H. MISSAKIAN (CABN 125202)
 United States Attorney
 PAMELA T. JOHANN (CABN 145558)
 Chief, Civil Division
 JEVECHIUS D. BERNARDONI (CABN 281892)
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-7224
 Facsimile: (415) 436-6748
 jevechius.bernardoni@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

LAWYERS' COMMITTEE FOR CIVIL)	CASE NO. 24-cv-09330-TSH
RIGHTS OF THE SAN FRANCISCO)	
BAY AREA,)	STIPULATION TO STAY CASE;
)	ORDER
Plaintiff,)	
)	
v.)	
)	
DEPARTMENT OF HOMELAND)	
SECURITY, <i>et al.</i> ,)	
)	
Defendants.)	

Subject to the Court's approval, Plaintiff Lawyers' Committee for Civil Rights of the San Francisco Bay Area ("Plaintiff") and Defendants United States Department of Homeland Security and United States Immigration and Customs Enforcement ("Defendants"), through their undersigned counsel of record, hereby STIPULATE as follows:

1. Defendants have conveyed the following to Plaintiff:
 - a. At midnight on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for other Executive Branch agencies, including Defendants. The date when funding will be restored by Congress has not been established.
 - b. The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,

1 provides that in the absence of appropriated funds no obligation can be incurred
2 except for the protection of life and property, the orderly suspension of operations, or
3 as otherwise authorized by law. Absent an appropriation, Department of Justice
4 attorneys (and relevant employees of Defendants) are prohibited from working, even
5 on a volunteer basis, “except for emergencies involving the safety of human life or
6 the protection of property.” 31 U.S.C. § 1342.

- 7 c. While the assigned counsel for Defendants, Savith Iyengar, will not be furloughed,
8 AUSA Iyengar is only permitted to work on certain matters that fall within the
9 statutory framework outlined above, and is not permitted to work on the instant case
10 during the lapse in appropriations.
- 11 d. In addition, the work of Defendants’ employees is also necessary. If the requested
12 stay is denied, the work needed from Defendants may not be possible.
- 13 e. Defendants therefore request a stay of the October 3, 2025 deadline for ICE to issue a
14 notification to its contractor, GEO, *see* ECF No. 29, and the deadline for ICE’s rolling
15 productions on or about the 15th of each month, *see* ECF No. 24 ¶ 2.b, until Congress
16 has restored appropriations to the Department of Justice and the government
17 shutdown ends. The parties further request that all deadlines in this case be extended
18 for a period of time commensurate with the duration of the lapse in appropriations –
19 i.e., each deadline would be extended by the total number of days of the lapse in
20 appropriations.
- 21 f. If this stay is granted, Defendants’ counsel will promptly notify the Court as soon as
22 the government shutdown has ended and, if necessary given the circumstances of this
23 case, confer with opposing counsel and submit within two weeks a joint proposed
24 schedule for the remainder of the litigation.

25 2. Plaintiff takes no position with respect to Defendants’ representations and does not
26 oppose this Court taking any action it determines appropriate based on Defendants’ representations.
27 Notwithstanding the foregoing, Plaintiffs advise this Court of the following procedural history:

- 28 a. Plaintiffs filed this action on December 23, 2024. ECF No. 1.

- b. Pursuant to the parties' joint production proposal, which this Court ordered on June 20, 2025, Defendants agreed to issue a notification to GEO by August 29, 2025. ECF No. 24 ¶ 2.c.
- c. On August 25, 2025, Defendants requested to extend the GEO notice deadline to September 19, 2025. Plaintiff stipulated to the requested extension on August 29, 2025. ECF No. 26.
- d. On September 19, 2025, Defendants requested a further extension of the GEO notice deadline until October 17, 2025. After meeting and conferring, Plaintiff stipulated to a brief continuance of the GEO notice deadline until October 3, 2025. ECF No. 28.
- e. In light of these delays, Plaintiff invites this Court to modify the Proposed Order submitted by Defendants in a manner it deems appropriate to ensure prompt compliance with the joint production proposal after any stay is lifted.

IT IS SO STIPULATED.

DATED: October 1, 2025

Respectfully submitted,

CRAIG H. MISSAKIAN
United States Attorney

/s/ Jevechius D. Bernardoni
JEVECHIUS D. BERNARDONI
Assistant United States Attorney
Counsel for Defendants

DATED: October 1, 2025

Respectfully submitted,

**/s/ Brock Seraphin
BROCK SERAPHIN
Counsel for Plaintiff

** In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.

ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED THAT:

1. This case is hereby STAYED until after the shutdown of the federal government has ended and appropriations to the Department of Justice have been restored, including the October 3, 2025 deadline for ICE to issue a notification to its contractor, GEO, *see* ECF No. 29, and the deadline for Defendants' rolling productions on or about the 15th of each month, *see* ECF No. 24 ¶ 2.b;

2. All deadlines in this case are extended for a period of time commensurate with the duration of the lapse in appropriations; and

3. Defendants will promptly notify the Court as soon as the government shutdown has ended and, if necessary given the circumstances of this case, confer with opposing counsel and submit within two weeks a joint proposed schedule for the remainder of litigation.

IT IS SO ORDERED.

DATED: October 2, 2025


HON. THOMAS S. HIXSON
United States Magistrate Judge